

REMARKS

Claims 10, 13, 26 and 35 have been amended. Claims 1-9, 17-25, and 31-34 have been cancelled. Claims 10-11, 13-16, 26, 28-30, 35 and 37 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claim objections:

The Examiner objects to claims 1, 10, 17 and 35 under 37 CFR 1.75(c) as being improper dependent form for failing to further limit the subject matter of a previous claim. Claims 1, 10, 17 and 35 are all independent claims and therefore do not depend from any other claims. Therefore, the Examiner's objection is clearly improper.

Moreover, claims 1 and 17 have been canceled and claims 10 and 35 have been amended as suggested by the Examiner to overcome the Examiner's objection.

Double Patenting Rejection:

The Examiner rejected claims 1 and 17 under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 10 of U.S. Patent 7,093,230 in view of U.S. Patent 6,499,031 (hereinafter "Hopmann"), claim 10 was rejected under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 6 of U.S. patent 7,093,230 in view of U.S. Patent 6,484,185 (hereinafter "Jain"), claims 20, 21, 26, 31 and 35 were rejected under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 22, 26, 28 and 32 of U.S. Patent 7,093,230 in view of Hopmann, claims 1, 17 and 31 were rejected under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10 and 28 of U.S. patent 7,093,230 in view of Jain (U.S. Patent 6,484,185), and claims 10, 20, 21, 26 and 35 were rejected under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 6, 22, 26, 28 of U.S. patent 7,093,230.

Applicants respectfully traverse this double patenting rejection. However, to expedite prosecution of the current application, a terminal disclaimer to obviate the double patenting rejection over claims 1, 10, 17, 20, 21, 26, 31 and 35 has been filed along with this response. Accordingly, Applicants respectfully request removal of the double patenting rejection of claims 1, 10, 17, 20, 21, 26, 31 and 35.

Section 112, Second Paragraph, Rejection:

The Examiner rejected claims 6 and 13 under 35 U.S.C. § 112, second paragraph, as indefinite. As noted above, claim 6 has been canceled. Claim 13 has been amended to overcome the § 112, second paragraph rejection and removal thereof is respectfully requested.

Allowable Claims:

The Examiner states that independent claim 10 would be allowable if rewritten or amended to overcome the claim objections and a terminal disclaimer filed. As noted above, claims 10 has been amended to overcome the Examiner's objections and a terminal disclaimer is being filed with this response. Therefore, Applicants' respectfully submit that claim 10 and its respective dependent claims are allowable.

Additionally, claims 26 and 35 have been amended to recite the allowable subject matter of claim 10. Specifically, claims 26 and 35 have been amended to recite that the distributed store grants the locked access to a process and requests that the process holding the lock release the locked access and further recite that the process releasing the locked access in response to the request by the distributed store. Thus, claims 26 and 35 recite similar subject matter as allowable claim 10. Applicants respectfully submit that claims 26 and 35 are allowable.

Section 103(a) Rejection:

The Examiner rejected claims 26, 28-30, 35 and 37 as being unpatentable over Montero in view of Bennett (U.S. Patent 5,734,909) and Bender, et al. (U.S. Publication 2003/0163494) (hereinafter “Bender”), and further in view of Eshel, et al. (U.S. Publication 2003/0018785) (hereinafter “Eshel”). As discussed above, independent claims 26 and 35 have been amended to recite the same subject matter as allowable claim 10. Therefore, Applicants assert that claims 26, 28-30, 35 and 37 are in condition for allowance.

CONCLUSION

Applicants submit the application is in condition for allowance, and prompt notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-11700/RCK.

Respectfully submitted,

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